

**APPROVED 12/23/2008**

At 6:10 pm Cordes called the meeting to order in the basement meeting room at the Fremont Town Hall. Present were Selectmen Gene Cordes, Brett Hunter, and Donald Gates Jr; and Town Administrator Heidi Carlson.

**OLD BUSINESS**

1. Selectmen began the meeting by reading the minutes from last week. With some updates and corrections motion was made to approve the minutes of 11 December 2008 as amended by Hunter. Gates seconded and the vote was unanimously approved.
2. The updated budget spreadsheet was available for review, with some items updated based on past votes. This will be a continuing work in progress in preparation for the January 13<sup>th</sup> public hearing.
3. Selectmen reviewed the Emergency Operations Plan (EOP) Update Proposal Contract with Jane Hubbard Consulting LLC for a re-write (grant-funded) of an updated EOP for Fremont. This is to be paid from existing 2008 funds which will be encumbered, and is 100% grant funded. The Town can anticipate reimbursement in 2009. Motion was made by Hunter to encumber \$5,000 from Emergency Management for the Plan to be written; and enter into the contract with Hubbard Consulting LLC. Gates seconded and the vote was unanimously in favor 3-0.
4. Carlson asked if the Board had comments on the 2009 warrant draft thus far. The Board asked for copies to be sent around again and have it put back on the agenda for Tuesday next week.
5. The Board discussed a warrant article for the Town Hall basement renovations and whether to include it. The general consensus was to include it, and use the mid-range bid plus a 5% contingency. Carlson will make these adjustments and have it on the draft for review on Tuesday night.
6. Carlson advised the Selectmen that the Governor's Forest Letters of Credit have been received. Copies were provided to the Planning Board, and a letter to lift the cease and desist needs to be drafted.

At 6:30 pm David West met with the Board to update them on CTAP and what is currently going on within the project. Jack Karcz (CTAP Representative) was also present.

West explained that this is the technical assistance program for the widening of the I-93 corridor and how it was projected to affect 26 neighboring communities, including Fremont. This included some mapping updates; a community assessment of the Town of Fremont; and some other available resources.

West indicated that Phase I included about \$15,000 in discretionary grants for which Fremont was eligible. Fremont has applied successfully for \$8,000 of those; and an additional \$5,000 is currently out with an application pending right now. This money runs out in the middle of May 2009 (the balance of \$2,000). West discussed finding another project with the balance \$2,000. The project would have to be completed by the May 2009 timeframe.

Karcz discussed impact fees and whether this would be a suitable use for the grant funds.

West said that Phase II of the project will have another set of discretionary grants and there will be \$10,000 associated with this that Fremont could apply for. The second round will be more focused on CTAP goals. There are collaborative grants available if we wanted to work with another town on a multi-jurisdictional plan; that is also possible. The best example that he could think of is a multi-jurisdictional open space plan.

He encouraged the Town to look at projects they may want to complete for planning purposes.

Neal Janvrin came into the meeting at 6:45 pm.

West distributed additional CTAP information for the Board to review. A copy of this was forwarded to the Fremont Planning Board also.

Karcz said that the CTAP group was also working on a build-out map as another part of the project. West also thought that several other towns had not taken advantage of the workshop training session opportunity, and that Fremont may be able to pick another topic and hold a second workshop.

West and Karcz left the meeting at 6:55 pm; and Chief Janvrin came up to the table. He indicated that he found an animal control vehicle, a nice 1998 GMC full size pickup, listed for \$6,995 and he can buy it for \$5,500 without a cap from Glen's Auto. He said he then went to John Hennelly (Truck Tops in Brentwood) and they have a leftover cap (made for another vehicle) that they will sell to him for \$500 (value \$1,200).

Janvrin said the truck is dark blue; and in good shape. He said the odometer reading was between 54,000 and 64,000 miles (he couldn't remember which it said); and he said it runs good.

He estimated that including the cost of taking the lights, radio and gun rack out of the existing truck and having them put in the new one, that the total cost would not exceed \$7,000.

Cordes asked about the blue book value and also asked about a CarFax report on it. Janvrin did not have this, but said he would look further into it. Glen said to him that there is likely a 30 day warranty on it. Janvrin said that because the truck is not driven that much, he thinks it will last for a while. He said this total cost does not include a trade; and he said he could put the old truck up for sale by sealed bid.

Gates moved to authorize the Chief to spend up to \$7,000 to purchase this truck and to include the fit up costs as described herein. Hunter seconded and the vote was unanimously approved 3-0. These funds are to come from unexpended Animal Control and Police Department funds, and Janvrin needs to identify the lines when he comes in with the final bills no later than Tuesday. The Board wanted the line item transfers clearly identified.

Janvrin said the emergency shelter had been closed at 4:00 pm on Wednesday (12/17/08); and that the running of the shelter had identified some problems. He said that the Department Heads would be back to have a roundtable with the Board at a later date.

Janvrin left the meeting at 7:10 pm.

## **OLD BUSINESS CONTINUED**

7. Selectmen reviewed an email from Peter Epstein containing the following questions, which the Board reviewed and discussed this evening, with answers as arrived at by the Board inserted between each question. This is the reply to be sent back to Attorney Epstein. These are the issues which remain open after Jay Somers talked this week with Attorney Epstein:

*(1) Section 5.2(c) regarding "re-engineering" of cable plant to residents on Pulaski Drive, etc.: Comcast remains willing to do this but the costs, estimated at about \$48,000.00, will be passed-through to all Fremont cable subscribers. QUESTION: Do the Selectmen still want to pursue this? If so, is it their intention to pay Comcast for these costs out of the 2.5% Franchise Fee, so as to avoid interest charges?*

Yes, with the payment process TBD, and we need to ask Jay for further direction on how payments would work.

*(2) Section 5.3(b) regarding "line-extension" numbers: Comcast agreed to 20 subscribers per aerial mile of cable plant but wants to use thirty (30 subscribers per underground mile; the Town is currently at 25 subscribers per underground mile. QUESTION: How do the Selectmen want to proceed on this?*

Selectmen are OK with this as written here.

*(3) Section 7.2(a)(ii) regarding the second PEG Access Channel: Comcast is willing to provide a second channel for PEG Access, within 120 days of a request from the Franchising Authority and after the Selectmen have convened a public hearing on the matter. I'm not sure what Jay expects to happen at the hearing and I suspect that there would not be much public testimony one way or the other. That said, are the Selectmen OK with such a condition?*

Selectmen are OK with this condition.

*(4) Section 8.1(new para [b]) regarding Franchise Fees: Comcast is willing to provide a \$10,000.00 advance to be repaid against the first 4 quarterly payments, at \$2,500.00 per quarter, without interest. The Town requested the \$10,000 within 30 days of execution of a new Renewal Franchise. Jay had asked for 60 days but I told him that the Town needed the money ASAP to buy equipment. We left it that the 30 days is OK unless Jay gets back to me otherwise.*

Selectmen are OK with the 60 day provision.

*(5) Section 10.2 regarding performance bond: Comcast proposes a \$25,000.00 bond; the Town is currently at \$50,000.00 (which is what the Amherst, NH bond is). QUESTION: How do the Selectmen want to proceed on this?*

Selectmen want to hold at the \$50,000.

*(6) Section 12.2(a) regarding Liquidated Damages: The daily damages that I used are the same as those in the Amherst Franchise. Jay suggests daily amounts at 50% of those amounts. I told him that I saw no rational reason why these amounts would be different but that I would "flag" it for the Selectmen. QUESTION: How do the Selectmen want to proceed on this?*

Selectmen want to hold at 100%.

*(7) Section 14.1(b) regarding confidentiality: This is largely language. Comcast wants the 2nd and 3rd sentences of paragraph [b] deleted. It is likely not a huge issue. I suggest that if the Town gets what it wants, that we can delete these 2 sentences. Is that acceptable to the Selectmen?*

Yes this is acceptable.

## **NEW BUSINESS**

1. Selectmen reviewed the accounts payable manifest in the amount of \$27,842.34 dated 19 December 2008. Motion was made by Gates to approve the manifest. Hunter seconded and the vote was unanimously approved 3-0.

2. Selectmen reviewed a letter from Mike Weymouth of Gristmill Realty LLC regarding a request for a portion of the maintenance bond on Gristmill Road Phase I. There was discussion about the levels of bonding within the project. A letter was also received from Bill Rollins (consulting engineer on the project). Selectmen deferred further action until information and a recommendation is received from the Planning Board and Road Agent.

3. Selectmen signed outgoing correspondence to the Fremont School Board regarding tape playback policy guidelines; and to Joseph Hardacre and Jose Vinagres regarding a 2006 tax lien and information on Rislove Way properties and how tax map and lot numbers were adjusted based on incorrect deed information throughout the subdivision. Carlson further explained that the deed from Allan Rislove to each of the homeowners had been identified with "A" and "B" but was not the correct reference to the Town's tax map and lot numbers. Instead these numbers were used by the developer to identify the house style. They were all adjusted/corrected at the conclusion of the project.

4. Selectmen reviewed the folder of incoming correspondence.

5. Selectmen reviewed a letter from Robert Prud'homme regarding Risloves Way acceptance for 2009 Town Meeting. This has been forwarded to the Planning Board and Road Agent for further review and comment as well. The Engineer and Road Agent statements are needed to place the roadway for acceptance on the warrant.

6. Selectmen reviewed a letter from Dave and Joanne Gordon regarding their request to have the Town consider their daughter and ill granddaughter to rent a unit within Witham Countryside Estates so that they can be closer to the grandparents. Carlson explained that Al Witham had called the Town Office today about this matter and explained that he had a trailer to rent ,which has single level living for the daughter and her family (including a sick child).

Selectmen discussed one other incidence where this had been considered, but that situation involved a court order for a tenant under the age of 55 as allowed in this Adult Park. The Selectmen wanted more information about where they were planning to live and what were the time constraints surrounding it. There was also discussion about requirements (State or Federal) the Park may have (55 and older residents/occupants, etc.).

7. Selectmen reviewed and signed a Yield Tax Warrant totaling \$389.66 which includes parcels 02-026 (\$362.16) and 01-082 (\$27.50).

8. Selectmen discussed information received today by email on energy exemptions for placement on the 2009 Town Meeting Warrant. Carlson had written articles (based on the models submitted) for wind, solar, and wood. The Board wanted to include all of them on the warrant but wanted more information on how they worked. Carlson will email out the statutory information again and it will be back on the agenda for discussion on Tuesday.

### **NON-PUBLIC SESSION**

At 8:10 pm motion was made to enter non-public session by Hunter pursuant to NH RSA 91-A:3 II (c) to discuss a personnel evaluation. Gates seconded and the vote was unanimously approved.

At 8:25 pm motion was made by Hunter to return to public session, seconded by Gates and voted unanimously in favor 3-0.

Motion was made by Gates to authorize a step raise for Heidi Carlson from 20/6 to 20/7 effective as of the April anniversary date. Hunter seconded and the vote was unanimously approved 3-0.

**NEXT WEEK**

The next regular Board meeting will be held on Tuesday December 23, 2008 at 6:00 pm.

With no further business to come before the Board, motion was made by Hunter and seconded by Gates to adjourn the meeting at 8:30 pm. The vote was unanimously approved 3-0.

Respectfully submitted,

Heidi Carlson  
Town Administrator